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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/853,339  
Filed: 5/11/2001  
Inventor: Fargo, et al.  
Group Art Unit: 3651  
Examiner: Tran, Khoi H.  
Title: Escalator Support Structure

Box AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

Dear Sir:

In response to the Official Action of February 13, 2003, Applicant requests consideration of the following arguments.

Claims 1-12 and 14-26 remain in the application including independent claims 1, 15, and 19. Claim 13 has been cancelled. Claims 2-12 and 15-26 are withdrawn from consideration as being drawn to a non-elected species.

In response to the Official Action of October 3, 2002, Applicant submitted new claims 19-26, all of which were directed toward the elected species of Figure 11. The examiner has refused to enter claims 19-26 because the claims are directed to at least one of the non-elected species. Applicant traverses this assertion by the examiner.

Original claim 1 included the combination of top and bottom landings with a rise interconnecting the top and bottom landings. Claim 19 also includes this combination. Claim 1

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further defined the rise as including at least one module wherein the module comprises a steel sheet covering an escalator machine with the steel sheet presenting a continuous planar exterior surface. Claim 19 further defined the rise as comprising a plurality of support sub-modules formed from stamped steel sections wherein one of the support sub-modules includes a steel plate for enclosing an escalator drive machine. All of these features are clearly shown in Figure 11. Figure 11 depicts an escalator support structure with a top landing, a bottom landing, and a rise interconnecting the top and bottom landings. Figure 11 also shows that the rise portion is made from a plurality of support sub-modules with one of the support sub-modules including a steel plate for enclosing the escalator drive machine.

Applicant is permitted to add new claims in response to a non-final official action as long as the claims read on the elected species. Claim 19 clearly reads on the elected species shown in Figure 11. The examiner argues that claim 19 is directed toward a non-elected species that is shown in Figure 8. Figure 8 does not show a rise that is made from "a plurality of support sub-modules" as set forth in claim 19. Figure 8 shows the rise being formed from a single piece stamping that extends from the top landing to the bottom landing (see page 5, paragraph [28]). Thus, claim 19 does not read on Figure 8.

Claim 1 stands rejected under 35 U.S.C. 102(c) as being anticipated by Gschwendtner et al. The examiner argues that Gschwendtner discloses a rise (Figures 2 and 3) with at least one module comprising a steel plate near an escalator machine (Figures 3 and 8). The examiner further argues that, as shown in Figure 2, the supporting module comprises a steel sheet covering the entire supporting rise, including an escalator machine.

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First, there is no showing of an escalator machine anywhere in the drawings of Gschwendtner and there certainly is no showing of an escalator machine being located in the rise section of the escalator. Thus, there is no disclosure of a rise including a module that comprises a steel sheet covering an escalator machine as set forth in claim 1. Second, Figure 2 does not show the supporting module comprised of a steel sheet covering the entire supporting rise. Figure 2 clearly shows a truss structure very similar to the truss structure shown in the Nakazawa et al. reference, which was asserted against claim 1 in the previous official action under 35 U.S.C. 102(b), but which has now been withdrawn. If the examiner instead is referring to Figure 1, Applicant would like to point out that Figure 1 does not show the support structure for the escalator. The Gschwendtner support structure is clearly shown in Figure 2. As discussed above, Figure 2 shows a truss structure and does not include a steel sheet that covers any escalator machine.

Finally, there is no teaching in Gschwendtner of a steel sheet that presents a continuous planar exterior surface that covers the escalator machine. Figure 3 shows a cross-section through the center of the rise and shows handrails 11, glass side-walls 10, the conveying plates 8, guide rails 9 for the plates 8, and the support structure members 4, 5, 6, and 7. None of the support structure members 4, 5, 6, and 7 are formed from a steel sheet that presents a continuous planar exterior surface that covers the escalator machine. Further, Figures 5-9 simply show different embodiments of how the truss pieces 12, 13, 14 (see Figures 2 and 4) are made from a double wall construction. Thus, there is no teaching in Gschwendtner of the use of a steel sheet module that presents a continuous planar exterior surface that covers the escalator machine.

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Claim 1 also stands rejected under 35 U.S.C. 102(b) as being anticipated by Pallinger, et al. The examiner argues that Pallinger discloses a rise with module comprising a steel sheet 7 that covers the entire rise and escalator machine. First, there is no showing of an escalator machine anywhere in the drawings of Pallinger and there certainly is no showing of an escalator machine being located in the rise section of the escalator. Thus, there is no disclosure of a rise including a module that comprises a steel sheet covering an escalator machine as set forth in claim 1. Second, the element 7, to which the examiner refers, is a support body that supports the steps 4 of the moving walkway. The actual support structure for the escalator itself is positioned underneath element 7 and comprises an underneath bracing structure 9, which is formed from a plurality of beam members.

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gschwendtner alone. For the reasons discussed above with regard to claim 1, Gschwendtner does not disclose the features of claim 1. Also, while the examiner argues that members 4 and 5 of Gschwendtner define the steel sheet module (citing Figure 3), Applicant would like to point to out that Figure 3 must be read in light of Figures 2 and 4, which clearly explain and show that members 4 and 5 are formed as truss pieces to support the rise, and are not steel sheets that cover an escalator machine.

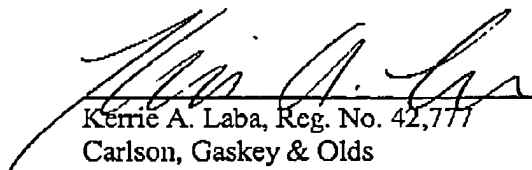
Further, there is no teaching anywhere in Gschwendtner of any type of steel sheet module being welded to other portions of the rise along edges of the steel sheet such that the module completely encloses the escalator machine as set forth in claim 14. The examiner argues, "welding technology is known in Gschwendtner's reference." Applicant respectfully requests an

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indication of where in Gschwendtner this well-known welding technology is discussed in relation to welding a steel sheet module to completely enclose an escalator machine.

Applicant believes that all claims are allowable over the cited prior art. An indication of such is requested. Applicant believes that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional claim fees.

Respectfully submitted,



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Dated: April 14, 2003

#### CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9327, on April 14, 2003.



Laura Combs

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